

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOHN L. BUCHANAN,
Petitioner,

v.

Case No. 09-C-0601

**RANDY HEPP, Warden, Stanley
Correctional Institution,**
Respondent.

ORDER

On September 21, 2009, respondent filed a motion to dismiss this habeas petition as untimely pursuant to 28 U.S.C. § 2244(d)(1). On November 3, 2009, I issued an order noting that petitioner had not responded to the motion. I informed petitioner that if he did not file his response by December 4, 2009, I would consider respondent's motion unopposed and would grant the motion. To date, petitioner has not filed a response, and therefore I consider respondent's motion unopposed and will grant it.

For the reasons stated, **IT IS ORDERED** that respondent's motion to dismiss is **GRANTED**. The clerk of court shall enter final judgment.

SO ORDERED at Milwaukee, Wisconsin, this 4 day of January, 2010.

/s_____
LYNN ADELMAN
District Judge